

**COMJD**

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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

LINDA CALDERA-BREDESON, an individual,

CASE NO.

Plaintiff,

DEPT. NO.

vs.

**COMPLAINT AND DEMAND  
FOR JURY TRIAL**

UNITED STATES POSTAL SERVICE, a  
branch of the Government of the United States of  
America; DOE INDIVIDUALS I-X; and ROE  
LEGAL ENTITIES I-X, inclusive,

Defendants.

COMES NOW, Plaintiff LINDA CALDERA-BREDESON, by and through her counsel,  
SANDY VAN, ESQ., and MICHAEL NIXON, ESQ., of the VAN LAW FIRM, files this Complaint  
against Defendant UNITED STATES POSTAL SERVICE and alleges the following causes of action  
against the Defendant:

**GENERAL ALLEGATIONS COMMON TO ALL CLAIMS**

1. Plaintiff, LINDA CALDERA-BREDESON, (hereinafter "Plaintiff") is an individual residing  
in Clark County, Nevada and has been at all relevant times herein.

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LAW FIRM

2. Defendant, UNITED STATES POSTAL SERVICES, (hereinafter “Defendant”) is an independent establishment of the executive branch of the Government of the United States of America operating in Clark County, Nevada, and has been at all relevant times herein.
3. Upon information and belief, Defendant operated, maintained, controlled, served, managed, and occupied a United States Postal Office at 4904 Camino Al Norte, North Las Vegas, Nevada 89031 (the “Subject Premises”).
4. The true names and capacities of the DOE INDIVIDUALS I-X and ROE LEGAL ENTITIES I-X are unknown to Plaintiff who therefore sues Defendants by fictitious names. Defendants designated herein as ROE LEGAL ENTITIES I through X, are predecessors-in-interest, successors-in-interest, and/or agencies otherwise in a joint venture with, and/or serving as an alter ego of, any and/or all Defendants named herein; and/or are entities responsible for the supervision of the individually named Defendants at the time of the events and circumstances alleged herein; and/or are entities employed by and/or otherwise directing the individual Defendants in the scope and course of their responsibilities at the time of the events and circumstances alleged herein; and/or are entities otherwise contributing in any way to the acts complained of and the damages alleged to have been suffered by the Plaintiff herein. Plaintiff informed and, on that basis believes and thereon alleges, that each of the Defendants designated as a DOE INDIVIDUAL I-X and a ROE LEGAL ENTITY I-X, inclusive, is in some manner negligently, vicariously, and/or statutorily responsible for the events and happenings referred to and has caused damages to Plaintiff as herein alleged. Plaintiff will seek leave of this court to amend this complaint to insert the true names and capacities of such Defendants when the same have been ascertained by Plaintiff, together with the proper charging allegations, and to join said Defendants in this action.
5. Upon information and belief, at all times relevant to this action DOE INDIVIDUALS I-X were residents of Clark County, Nevada and were employees of Defendant UNITED STATES POSTAL SERVICE and/or ROE LEGAL ENTITIES I-X and were responsible to identify and rectify safety hazards at the post office.

6. Upon information and belief, at all times relevant to this action Defendant DOE INDIVIDUALS I-X were residents of Clark County, Nevada, were employed or contracted by Defendant UNITED STATES POSTAL SERVICE and/or ROE LEGAL ENTITIES I-X, and were acting within the course and scope of their employment or contract for hire for Defendant UNITED STATES POSTAL SERVICE and/or ROE LEGAL ENTITIES I-X, and were responsible to identify and rectify safety hazards at the post office.
7. Upon information and belief, at all times relevant to this action Defendants ROE LEGAL ENTITIES I-X, were business entities organized and existing pursuant to the laws of the State of Nevada and doing business in the State of Nevada, County of Clark, and who directed the actions of and/or employed the other Defendants.

### **JURISDICTION AND VENUE**

8. This Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. § 1346(b) in that this is a claim against Defendant UNITED STATES POSTAL SERVICE, an establishment of the Government of the United States of America, for money damages, accruing on or after January 1, 1945, for personal injury caused by the negligent and wrongful acts and omissions of employees of the Government while acting within the course and scope of their office or employment, under circumstances where the Defendant, if a private person, would be liable to the Plaintiff.
9. Jurisdiction founded upon federal law is proper in that this action is premised upon federal causes of action under the Federal Tort Claims Act (hereinafter "FTCA"), 28 U.S.C. § 2671. *et. seq.*
10. Pursuant to the FTCA, 28 U.S.C. § 2671, *et. seq.*, the Plaintiff on or about February 17, 2021, presented her claim to the appropriate federal agency for administrative settlement under the FTCA requesting \$98,952.70. By letter dated June 22, 2021, Plaintiff's claim was finally denied in writing by the United States Postal Service and such denial was sent by certified or registered mail to the Plaintiff. (Claim #NT202035346). This lawsuit was then timely filed.

11. This action is timely pursuant to 28 U.S.C. § 2401(b) in that it was presented to the appropriate federal agency within two years of accrual and this action was filed within six months of receipt of the certified letter sent by the federal agency denying the claim.

12. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), as Defendant does business in this judicial district and the events or omissions giving rise to the claims occurred in this judicial district.

### **FACTUAL SUMMARY**

13. On or about September 4, 2019, Plaintiff, a member of the public and a business invitee, was at the Subject Premises at 4904 Camino Al Norte, North Las Vegas, Nevada 89031.

14. The Subject Premises, a United States Postal Office, is owned and/or controlled by the UNITED STATES POSTAL SERVICE, an establishment of the Government of the United States of America, and/or ROE LEGAL ENTITIES I-X who had and have a duty to maintain the Subject Premises in a condition that is safe for the public.

15. On or about September 4, 2019, Plaintiff was returning to her vehicle in the parking lot when she stepped into a large hole ("Subject Condition") and fell and broke her right wrist, injured her knees, bruised her right breast, and bruised her jaw ("Subject Incident").

16. The Subject Condition, which was unattended and without signs or other warnings, was not open and obvious to Plaintiff.

17. The Subject Condition was created by Defendants or was a condition which Defendants had actual or constructive notice prior to the Subject Incident.

18. The Subject Condition was dangerous and should have been remedied or Defendants should have warned Plaintiff before the Subject Incident.

19. Upon information and belief, Defendant knew or should have known about the Subject Condition before the Subject Incident.

20. Upon information and belief, one or more of the DOE INDIVIDUALS I-X and the ROE LEGAL ENTITIES I-X knew or should have known about the Subject Condition before the Subject Incident.

1 21. Because Defendants failed to exercise due care while operating the postal office and/or  
2 Subject Premises, Defendants' actions, omissions, and/or neglect were the actual, proximate,  
3 and legal cause of the Subject Incident.

4 22. Because of the Subject Incident, Plaintiff suffered personal injuries, pain, suffering, and loss  
5 of enjoyment of life.

6 23. Because of the Subject Incident and Plaintiff's injuries, Plaintiff received reasonable and  
7 necessary medical and healthcare treatment and engaged the services of physicians and other  
8 healthcare providers to care for and treat said injuries.

9 24. Because of the Subject Incident and Plaintiff's injuries, pain, suffering, loss of enjoyment of  
10 life, and medical and healthcare expenses incurred, Plaintiff retained the services of the Van  
11 Law Firm to initiate this action and is entitled to reasonable attorneys' fees and costs.

12 **FIRST CLAIM FOR RELIEF**

13 **(Negligence as to all Defendants)**

14 25. Plaintiff repeats the allegations as contained in the preceding paragraphs herein and  
15 incorporates the same herein by reference.

16 26. At the time of the Subject Incident, Defendants were in control of the Subject Premises and  
17 the United States Postal Office and had a duty to maintain and inspect the Postal Office and  
18 Subject Premises for dangerous conditions for the care, safety, and protection of those persons  
19 present in the Postal Office and on the Subject Premises including Plaintiff.

20 27. Defendants had the duty not to expose Plaintiff to undue danger and unsafe conditions, not to  
21 create or allow hazardous or dangerous conditions at the Postal Office and Subject Premises,  
22 to warn of hazardous or dangerous conditions, not to engage in maintenance and janitorial  
23 practices that create a likelihood of dangerous or hazardous conditions, and generally to avoid  
24 causing harm to visitors at the Postal Office and Subject Premises.

25 28. Defendants created, knew, or should have known of the Subject Condition because the Subject  
26 Condition was in an area where it could be seen by management, employees, agents, or it  
27 should have been discovered through exercising reasonable care.  
28

1 29. Defendants breached their duty to Plaintiff by failing to remedy the Subject Condition and  
2 failing to warn Plaintiff of its existence.

3 30. Defendants' breach of their duty to Plaintiff was the actual, proximate, and legal cause of  
4 Plaintiff's injuries and damages.

5 31. Because of Defendants' negligence, Plaintiff suffered injuries to tissue, bones, and joints.

6 32. Because of Defendants' negligence, Plaintiff experienced great pain, suffering, and anxiety,  
7 and incurred general damages in an amount in excess of \$75,000.00.

8 33. Because of Defendants' negligence, Plaintiff experienced loss of enjoyment of life in an  
9 amount in excess of \$75,000.00.

10 34. Because of Defendants' negligence, Plaintiff has special damages including, but not limited  
11 to, medical and other healthcare treatment and expenses, future medical and other healthcare  
12 treatments, and expenses in an amount in excess of \$98,000.00.

13 35. Defendants are jointly and severally liable to Plaintiff for the injuries suffered and general and  
14 special damages.

15 36. Upon information and belief, Defendants acted in conscious disregard for the safety of  
16 Plaintiff because they knew, or should have known, the probable harmful consequences of  
17 failing to provide a safe environment for their patrons, and willfully and deliberately failed to  
18 avoid those consequences.

19 **PRAYER FOR RELIEF**

20 **WHEREFORE**, Plaintiff LINDA CALDERA-BREDESON, expressly reserves her right to  
21 amend this complaint at the time of trial, to include all items of damage not yet ascertained, to include  
22 but not limited to, damages demonstrated through intervening facts or newly discovered evidence not  
23 reasonably discoverable at the time of the presentation of the claim, demands judgment against  
24 Defendant UNITED STATES POSTAL SERVICE, an establishment of the Government of the  
25 United States of America, as well as all DOES and ROES named, inclusive, and each of the  
26 Defendants as follows:

- 27 1. For general damages, in an amount in excess of Seventy-Five Thousand Dollars  
28 (\$75,000.00), to be set forth and proven at the time of trial;

2. For special damages for Plaintiff's medical and miscellaneous expenses as of this date, plus future medical expenses and the miscellaneous expenses incidental thereto in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00) to be set forth and proven at the time of trial;
3. Costs of this suit;
4. Attorney's fees;
5. Post-judgment interest;
6. For such other and further relief as to the Court may seem just and proper.

Dated this 1<sup>st</sup> day of September, 2021.

**VAN LAW FIRM**

/s/ Sandy Van

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**DEMAND FOR JURY TRIAL**

Plaintiff by and through her attorney of record, VAN LAW FIRM hereby demands a jury trial of all the issues in the above matter.

Dated this 1<sup>st</sup> day of September, 2021.

**VAN LAW FIRM**

/s/ Sandy Van

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